



WHEREAS, on March 30, 2017, the Court granted Defendants Reece and GMSI's Motion for Reconsideration and/or Clarification in part, and denied Defendants Steve and Susan's Motion for Reconsideration and/or Clarification (Doc. 84);

WHEREAS, the Plaintiffs filed a Notice of Appeal to the United States Court of Appeals for the Sixth Circuit challenging the Court's decision, Case No. 17-3394, which was immediately stayed pending this Court's issuance of a final appealable order on the issue of damages;

WHEREAS, Defendants Reece and GMSI previously filed a Notice of Appeal to the United States Court of Appeals for the Sixth Circuit, Case No. 16-3285, which was ordered to be held in abeyance pending an entry of final judgment;

WHEREAS, in the interest of proceeding with the appeals, the Parties agree to the entry of a Stipulated Judgment in accordance with the terms below.

**IT IS HEREBY STIPULATED AND ORDERED AS FOLLOWS:**

1. Judgment is hereby entered in favor of the Plaintiffs and against the Defendants Steven, Susan and Reece, jointly and severally, in the amount of \$45,304.16, which it itemized as follows:
  - A. \$41,948.30 in contribution deficiencies as revealed by the Plaintiffs' payroll compliance audit during the period of January 1, 2010 through August 11, 2011; and
  - B. \$3,355.86 in liquidated damages resulting from the \$41,948.30 in contribution deficiencies.
2. By stipulating to the entry of this Judgment Order, none of the parties are waiving any rights or arguments in any subsequent proceedings, appeals, and/or further proceedings before the District Court and/or the United States Court of Appeals for the Sixth Circuit

with respect to any issues, including but not limited to the amount of the damages to which the Plaintiffs are entitled to recover; rather, the parties agree to the entry of this judgment for the sole purpose of proceeding with the appeal.

3. The Plaintiffs are authorized to petition the Clerk of Court for an award of costs and the Court for an award of attorney's fees in accordance with Local Rule 54.1 and Rule 54 of the Federal Rules of Civil Procedure, subject to the rights of Defendants to seek legal and /or equitable relief relating to any such petition.

s/Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court

**Agreed and So Stipulated:**

**BOARD OF TRUSTEES OF THE  
PLUMBERS, PIPE FITTERS &  
MECHANICAL EQUIPMENT SERVICE,  
LOCAL UNION NO. 392 PENSION FUND,  
*et al.***

**SUSAN L. HUMBERT and  
STEVEN L. HUMBERT**

/s/ Joseph E. Mallon  
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**GENESIS MECHANICAL SERVICES,  
INC. and STEVE REECE**

/s/ Paul D. Dorger (with consent)

Paul D. Dorger (0059262)

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